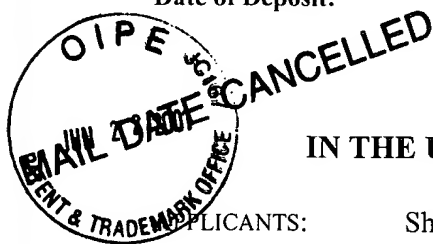


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Attorney Docket No. 15966-606 (Cura 106)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Shimkets, et al.  
ASSIGNEE: CuraGen Corporation  
SERIAL NUMBER: 09/715,417 EXAMINER: Not Yet Assigned  
FILING DATE: November 16, 2000 ART UNIT: Not Yet Assigned  
FOR: NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

CuraGen Corporation  
555 Long Wharf Drive, 11<sup>th</sup> Floor  
New Haven, Connecticut 06511

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in the application identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

APPLICANTS:  
U.S.S.N.:

Shimkets, et al  
09/715,417

Each person, concern, or organization having any rights in the invention is listed below:

☒  
☐

no such person, concern, or organization exists.

each such person, concern, or organization is listed below: ♦

♦ *Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.*

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

George A. Xixis, Esq.

Title in organization of person signing:

Intellectual Property Counsel

Address of person signing:

CuraGen Corporation  
322 East Main Street  
Branford, CT 0-6405

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

5/29/2001

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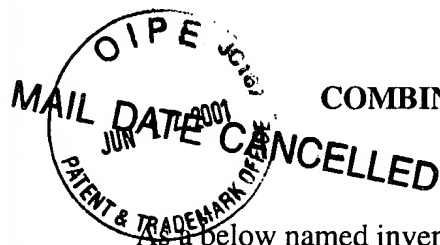
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Attorney Docket No. 15966-606

CURA-106



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

I, the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a utility patent is sought on the invention entitled:

**NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME**

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b>	<b>Status</b> <i>(Patented, Pending, Abandoned)</i>
60/187,844	03/08/2000	Abandoned
60/167,785	11/29/99	Abandoned
60/166,336	11/19/99	Abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<b>Attorney or Agent</b>	<b>Registration No.</b>	<b>Attorney or Agent</b>	<b>Registration No.</b>
Kevin Ainsworth	39,586	Christina Karnakis	45,899
Ingrid Beattie	42,306	Robert Klauzinski	42,742
William Belanger	40,509	Kristin E. Konzak	44,848
Naomi Biswas	38,384	Cynthia Kozakiewicz	42,764
Duane Blake	47,279	Barry Marenberg	40,715
Yong Choi	43,324	William Marino	44,219
David F. Crosby	36,400	A. Jason Mirabito	28,161
Brett N. Dorny	35,860	Michel Morency	Limited Recognition
Marianne Downing	42,870	Bradley Olson	40,750
Ivor R. Elrifi	39,529	Carol H. Peters	45,010
Heidi A. Erlacher	45,409	David Poirier	43,007
Christina Gadiano	37,628	Michael Renaud	44,299
Richard Gervase	P-46,725	Brian Rosenbloom	41,276
John A. Harre	37,345	Thomas M. Sullivan	39,392
Brian P. Hopkins	42,669	Janine Susan	46,119
Shane Hunter	41,858	Howard Susser	33,556
David E. Johnson	41,874	Shelby J. Walker	45,192
Kris Kalidindi	41,461		


all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

Address all telephone calls to Ivor R. Elrifi, Esq. at telephone number 617/348-1747.

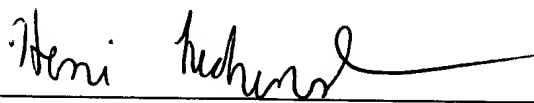
Address all correspondence to:

Ivor R. Elrifi, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

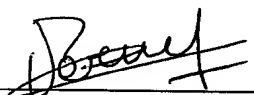
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

  
\_\_\_\_\_  
Inventor's Signature  
Full Name of Inventor: Richard Shimkets  
Citizenship: UNITED STATES  
Residence: 1191 Leete Street, West Haven, CT 06516  
Post Office Address: SAME

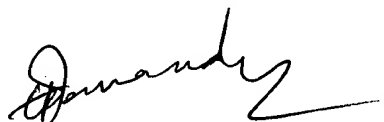
5/25/01  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Inventor's Signature  
Full Name of Inventor: Henri Lichenstein  
Citizenship: UNITED STATES  
Residence: 24 Sheep Pasture Road, Madison, CT 06443  
Post Office Address: SAME

5/25/01  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Inventor's Signature  
Full Name of Inventor: Corine Vernet  
Citizenship: FRANCE  
Residence: 4830 NW 43<sup>rd</sup> Street, P#253, Gainesville, Florida 32060  
Post Office Address: SAME

5/25/01  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Inventor's Signature  
Full Name of Inventor: Elma Fernandes  
Citizenship: INDIA  
Residence: 77 Florence Road, #2B, Branford, CT 06405  
Post Office Address: SAME

5/29/01  
\_\_\_\_\_  
Date